

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

| | | |
|-------------------------------------|---|----------------------------|
| Justin R. Silverman, |) | |
| |) | CA No. 2:16-cv-03686-DCN |
| |) | |
| Plaintiff, |) | SUPPLEMENTAL |
| |) | DECLARATION OF |
| |) | JUSTIN R. SILVERMAN |
| vs. |) | |
| |) | |
| National Board of Medical Examiners |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

SUPPLEMENTAL DECLARATION OF JUSTIN R. SILVERMAN

1. I am the Plaintiff in this action.
2. My name is Justin R. Silverman and I am over 18 years of age and, unless otherwise stated, have personal knowledge of the matters addressed in this declaration.
3. My continued education and enrollment as a medical student at the College of Medicine at the Medical University of South Carolina ("MUSC") is monitored by the MUSC Progress Committee.
4. In order to continue to be enrolled at MUSC, I am obligated to meet the requirements as set forth by the MUSC Progress Committee or I face dismissal from medical school. The Progress Committee has currently placed me on professionalism probation.
5. A medical student at MUSC may not take longer than six years to obtain their medical degree from the institution. I have already used four of the allowed six years towards my degree and have completed only my second year of four years worth of

coursework.

6. The Progress Committee has notified me by way of a September 1, 2016 letter that I cannot afford any more delays to my academic progress if I wish to obtain my degree within the allotted six-year time period:

Please be reminded that there is a time limit of 6 years for MUSC medical students to complete their undergraduate education. As of June 30, 2016, you have used 4 of the allowed six years. Therefore, you cannot have any further delays to your academic or professional record.

See September 1, 2016 letter of MUSC Student Progress Committee to Justin Silverman, Affidavit of Justin Silverman, Exhibit 1 at 2, ECF No. 6-2.

7. Consequently, the MUSC Progress Committee has given me until December 31, 2016 to take the USMLE Step I Exam. I cannot enroll in or take part in my third-year clinical rotations at MUSC until I have passed this exam.

8. I am informed and believe that if I am not allowed to take the USMLE Step I Exam by January 3, 2016, which marks the start of orientation for my first third-year rotation, my academic progress will be further delayed. This delay will result in irreparable injury to my academic and professional career as I will no longer be able to obtain my medical degree from MUSC because I will be unable to meet the six-year time limitation.

9. I am informed and believe that should I fail to complete the USMLE Step I Exam by the Progress Committee's deadline, the Progress Committee at MUSC will dismiss me from medical school. The failure to meet this deadline would have a devastating impact on my future prospects as a practicing physician because it is highly unlikely that I would be granted admittance to any other medical school in the United

States.


10. If I take the USMLE Step I Exam without an accommodation I have a very real concern that I will not be able to pass the exam. If I do receive a passing score, I will not be permitted to sit for the exam again, no matter how low this score is.

11. Based my experience with practice exam questions and standardized tests, I am informed and believe that if I take the USMLE Step I without reasonable accommodation, I will not be able to reach a significant number of questions on the exam.

12. If I am forced to take the USMLE Step I Exam without the reasonable accommodation I requested from the Defendant, I am informed and believe that even a passing, but low score on this exam would greatly reduce my chances to be admitted to a desirable residency program after medical school. This would also result in irreparable injury to my career as a physician as the entry into these residency programs is highly competitive and I will not be given another chance to take the exam.

13. I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Executed December 22, 2016.


Justin R. Silverman